

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENTS TO THE
MAINE BAR ADMISSION RULES

2009 Me. Rules 4

Effective: January 1, 2009

All of the Justices concurring therein, the following amendment to the Maine Bar Admission Rules is hereby adopted to be effective on the date indicated above.

The specific rules amendment is stated below. To aid in understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Subdivision (c) of Rule 10 of the Maine Bar Admission Rules is amended to read as follows:

RULE 10. THE BAR EXAMINATION

.....

(c) Education Qualifications. Before taking the bar examination, each applicant shall produce to the Board satisfactory evidence that the applicant

- (1) graduated with a bachelor's degree from ~~an accredited~~ college or university ~~or successfully completed at least 2 years' work as a candidate for that degree at an accredited college or university;~~ and
- (2) graduated with a juris doctor or a bachelor of laws from a law school which had received its provisional or final accreditation from the American Bar Association by the time of the graduation of the applicant; or
- (3) graduated from a law school accredited by the United States jurisdiction in which it is located and has been admitted to practice by

examination in one or more jurisdictions within the United States and has been in active practice there for at least 3 years; or

- (4) graduated from a foreign law school with a legal education which, in the Board's opinion pursuant to regulations adopted by the Board, is equivalent to that provided in those law schools accredited by the American Bar Association and has been admitted to practice in that country or by examination in one or more jurisdictions within the United States and has been in active practice in a jurisdiction in which the applicant is licensed for at least 3 years; or
- (5) successfully completed two thirds of the requirements for graduation from a law school that had received its provisional or final accreditation from the American Bar Association by the time of the applicant's completion of those requirements and then within 12 months following such successful completion pursued the study of law in the law office of an attorney in the active practice of law in the State of Maine continuously on a full-time basis for at least one year; provided that the attorney must, in advance, present the proposed course of study to the Board for its approval and, at its conclusion, certify that the course, as approved, was completed.

ADVISORY NOTES

The origins of the amended rule date back to 1938, *see* P.L. 1937, c. 25. At that time, law schools were accepting some applicants who had graduated from unaccredited institutions or who had not completed an undergraduate education. In fact, until 1963, *see* P.L. 1963, c. 369, it was possible to be admitted to the bar by "reading law" without ever having attended law school. In such circumstances, scrutiny of one's undergraduate education was much more relevant to the screening process.

The prerequisite of graduation from an accredited law school was not adopted until 1985, P.L. 1985, c. 124, §§ 3,4. The Bar Admission Rules were amended shortly after the 1985 amendment to 4 M.R.S. § 803 to reflect this change in the law.

With adoption of the requirement that applicants have graduated from either an ABA-accredited law school or one accredited by a U.S. jurisdiction in which the law school is located, it is no longer necessary to afford independent scrutiny to

undergraduate education accreditation. The standards for quality of education leading to a law degree are established by the ABA itself or, in the instance of applicants admitted to practice for three years in another jurisdiction, by the state in which the law school is located. Thus, while the prerequisite of graduation from a college or university is maintained, the prerequisite of accreditation of the undergraduate institution by some official body is eliminated as unnecessary to the goals sought to be achieved by this rule.

2. This amendment is effective January 1, 2009.

Dated: December 12, 2008

/s/

LEIGH I. SAUFLEY
Chief Justice

/s/

ROBERT W. CLIFFORD
Associate Justice

/s/

DONALD G. ALEXANDER
Associate Justice

/s/

JON D. LEVY
Associate Justice

/s/

WARREN M. SILVER
Associate Justice

/s/

ANDREW M. MEAD
Associate Justice

/s/

ELLEN A. GORMAN
Associate Justice